IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI
ASSOCIATE DIVISION

BENT TREE DEVELOPMENT, L.L.C.)
)
Plaintiffs,)
)
vs.) Case No. ____________
)
JPMORGAN CHASE NATIONAL)
CORPORATE SERVICES, INC. a/k/a)
JPMORGAN CHASE BANK, N.A.)
Serve Registered Agent:)
C T Corporation System)
120 South Central Ave.)
Clayton, MO 63105)
)
Defendant.)

PETITION

COMES NOW Plaintiff Bent Tree Development, L.L.C. (hereinafter, "Plaintiff Bent Tree"), by and through its undersigned counsel, and for its Petition against Defendant JPMorgan Chase National Corporate Services, Inc. a/k/a JPMorgan Chase Bank, N.A. (hereinafter, "Defendant JPMorgan Chase"), states and avers to the Court as follows:

GENERAL ALLEGATIONS

1. Plaintiff Bent Tree is, and at all pertinent times herein was, a Missouri limited liability company in good standing and doing business in the State of Missouri, with its principal place of business in Springfield, Greene County, Missouri.

2. Upon information and belief, Defendant JPMorgan Chase is, and at all pertinent times herein was, a Delaware corporation in good standing and authorized to do business in the State of Missouri, and may be served by its registered agent as indicated above.

3. This Court may properly exercise jurisdiction over this matter and Defendant pursuant to MO. REV. STAT. § 506.150 because Defendant is a foreign corporation registered to do business in the State of Missouri.

4. Venue is proper in this Court pursuant to MO. REV. STAT. § 506.500 because all relevant transactions and occurrences alleged herein occurred within Springfield, Greene County, Missouri.

5. At all times material hereto, Plaintiff Bent Tree was the owner of certain real property located at Lot 29 of Phase III in Bent Tree Subdivision in Springfield, Greene County, Missouri.

COUNT I. SLANDER OF TITLE – ACTUAL DAMAGES

COMES NOW Plaintiff Bent Tree, by and through its undersigned counsel, and for Count I of its Petition against Defendant JPMorgan Chase, states and avers to the Court as follows:

6. Plaintiff Bent Tree incorporates by reference each and every preceding paragraph in this Petition as if set forth fully herein.

7. On April 1, 2016, Plaintiff Bent Tree entered into a sales contract for the sale of Plaintiff Bent Tree's Lot 29 of Phase III in Bent Tree Subdivision in Springfield, Greene County, Missouri, with a closing and exchange of deed for purchase to occur on July 18, 2016.

8. On or about July 15, 2016, Plaintiff Bent Tree learned Defendant JPMorgan Chase had erroneously filed a lien against Lot 29 of Phase III in Bent Tree Subdivision in Springfield, Greene County, Missouri.

9. As a result of that filing, the closing and exchange did not occur on July 18, 2016, and Plaintiff Bent Tree's Buyer has refused to proceed further on the contract until the lien is resolved, all to Plaintiff Bent Tree's damages.

10. As a direct and proximate result of Defendant JPMorgan Chase's actions, Plaintiff Bent Tree suffered damages exceeding $10,000.00, the exact amount of which cannot be ascertained at this time.

WHEREFORE, Plaintiff Bent Tree prays this Court enter judgment against Defendant JPMorgan Chase on Count I of its Petition for damages in excess of $10,000.00, plus the costs and expenses of this action.

COUNT II. SLANDER OF TITLE – PUNITIVE DAMAGES

COMES NOW Plaintiff Bent Tree, by and through its undersigned counsel, and for Count II of its Petition against Defendant JPMorgan Chase, states and avers to the Court as follows:

11. Plaintiff Bent Tree incorporates by reference each and every preceding paragraph in this Petition as if set forth fully herein.

12. In erroneously encumbering Plaintiff Bent Tree's Lot 29 of Phase III in Bent Tree Subdivision in Springfield, Greene County, Missouri, Defendant JPMorgan Chase's actions were intentional, willful, and outrageous, because of Defendant JPMorgan Chase's evil motive and/or reckless indifference to the rights of others; thus, Defendant JPMorgan Chase should be liable for punitive damages in excess of $20,000.00 to deter it, and others like it, from engaging in similar conduct in the future.

13. Moreover, Defendant JPMorgan Chase has refused to correct their error and slander of title.

WHEREFORE, , Plaintiff Bent Tree prays this Court enter judgment against Defendant JPMorgan Chase on Count II of its Petition for punitive damages in an amount exceeding $20,000.00, for Plaintiff's costs, and for such other and further relief as the Court deems just and proper in the circumstances.

COUNT III. DECLARATORY JUDGMENT

COMES NOW Plaintiff Bent Tree, by and through its undersigned counsel, and for Count III of its Petition against Defendant JPMorgan Chase, states and avers to the Court as follows:

14. Plaintiff Bent Tree incorporates by reference each and every preceding paragraph in this Petition as if set forth fully herein.

15. Defendant JPMorgan Chase obtained a Deed of Trust from Ronald J. Nikulski and Christel Nikulski, husband and wife as joint tenants, as to the real property owned by the Nikulskis.

16. The Nikulskis owned Lot 29 of Phase II in Bent Tree Subdivision in Springfield, Greene County, Missouri, not Lot 29 of Phase III.

17. JPMorgan Chase erroneously listed Phase III in its Deed of Trust as to the Nikulskis' real property instead of Phase II.

18. As a result, a lien appears on the title to Plaintiff Bent Tree's Lot 29 of Phase III in Bent Tree Subdivision in Springfield, Greene County, Missouri and has wrongly encumbered Plaintiff Bent Tree's real property.

19. Plaintiff Bent Tree has secured a Buyer for Lot 29 of Phase III in Bent Tree Subdivision in Springfield, Greene County, Missouri, but said Lot is encumbered and unable to be sold until JPMorgan Chase's invalid lien is removed.

20. The parties will benefit from the Court's determination of such validity and have no other means available to resolve the issues between them.

WHEREFORE, Plaintiff Bent Tree prays this Court enter a declaratory judgment against Defendant JPMorgan Chase on Count III of its Petition releasing the lien on Plaintiff's property and declaring the same to be invalid as to Plaintiff, for Plaintiff's costs, and for such other and further relief as the Court shall find just and proper in the premises.

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